

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN SOCIETY FOR TESTING  
AND MATERIALS d/b/a ASTM  
INTERNATIONAL,

Plaintiff,

v.

UPCODES, INC.; GARRETT  
REYNOLDS; and SCOTT REYNOLDS,

Defendants.

Civil Action No.: 2:24-cv-01895-  
AB

**JURY TRIAL REQUESTED**

**SCHEDULING ORDER**

**AND NOW**, this 19th day of February 2025, it is ordered as follows:

1. Pretrial timetable:

| Event  | Date              |
|--|-------------------|
| <b>All fact discovery must be completed on or before:</b>                                  | May 30, 2025      |
| <b>Expert reports on which the party bearing the burden of proof are due on or before:</b> | June 30, 2025     |
| <b>Rebuttal expert reports are due on or before:</b>                                       | July 30, 2025     |
| <b>All expert discovery must be completed on or before:</b>                                | September 1, 2025 |
| <b>Dispositive motions due on or before:</b>   | October 1, 2025   |
| <b>Opposition to dispositive motions on or before:</b>                                     | October 31, 2025  |
| <b>Reply briefs due on or before:</b>  | November 21, 2025 |

| Event                                    | Date              |
|--|-------------------|
| <b>Surreply briefs due on or before:</b> | December 12, 2025 |

2. **PROPOSED LIMITS ON DISCOVERY:** The parties have met and conferred regarding what changes should be made to the limitations on discovery imposed by the federal and local rules.

- a. **Plaintiff's Position:** ASTM believes that 10 fact witness depositions per side, as provided by the federal rules is reasonable in light of the nature of the claims and defenses at issue in the case. ASTM anticipates that third-party discovery will be necessary here. Such witnesses are likely to shed light into relevant issues including whether UpCodes' products and services serve as a market substitute for ASTM's products and services. UpCodes proposal, which halves the number of depositions permitted by the federal rules, will only serve to limit ASTM's ability to conduct reasonable discovery on its claims.
- b. **Defendant's Position:** In support of the parties' mutual interest in timely resolution of this case, UpCodes proposes limiting fact depositions (including depositions of third parties) to five depositions per side. The parties have already taken initial discovery, including document productions and depositions, in connection with ASTM's motion for preliminary injunction. Moreover, the parties have already laid out their main arguments at the preliminary injunction stage. As ASTM recognized during the June 5, 2025 Conference, the majority of the issues in this case are legal issues, which do not need additional discovery. Tr. 37:4-37:6 ("Mr. Fee: Yeah, he just told you it was mostly legal issues. I mean, we don't need fact discovery for those legal issues."). As such, the parties have proposed less than 5 months for fact discovery and less than 10 months from beginning of fact discovery to filing of dispositive motions. UpCodes believes limiting fact depositions to five per side allows timely resolution of this case without prejudicing any Party. UpCodes proposes no other limits on discovery beyond those of the Federal and Local Rules.

3. The parties have not agreed to alternative dispute resolution.

4. Your case has been assigned to Law Clerk Simone Unwalla.
5. Judge Brody's Policies and Procedures can be accessed via the United States District Court for the Eastern District of Pennsylvania's website at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

s/ANITA B. BRODY, J.

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Honorable Anita B. Brody